



Docket No. 2788

T.H.
B-2-03
#6/
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Roby et al.

Serial No.: 09/964,901

Examiner: Paul A. Roberts

Filed: September 27, 2001

Group Art Unit: 3731

For: Siliconized Surgical Needles and Method for Their Manufacture

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE

In response to the Office Action mailed June 2, 2003 in connection with the above referenced application, please consider the following remarks.

REMARKS

Favorable reconsideration of this application is respectfully requested.

Applicants elect the claims of group I, claims 1-21. The remaining claims are withdrawn from consideration. The remaining claims are withdrawn from consideration. These claims, however, are subject to reinstatement in the event the requirement for restriction is withdrawn or overruled.

Despite the provisional election, applicants traverse the restriction requirement. It is respectfully submitted that the Examiner should reconsider the restriction requirement in view of the fact that the separate classification of the subject matter under the classification system of the United States Patent and Trademark Office is not conclusive proof of divisibility and further that under M.P.E.P. §803 the entire application must be examined as a whole when there would not be a serious burden on the Examiner if

restriction were not required. The fields of search are believed to be coextensive for the two groups identified by the Examiner.

The Examiner has required an election of species for the coating of group II. The election of group I renders this requirement moot. Therefore, no such election has been made and this response is considered complete.

Date: June 18, 2003

U.S. Surgical, A Division of
Tyco Healthcare Group LP
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Norwalk, Connecticut 06856
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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mark Farber", written over a horizontal line.

Mark Farber
Attorney for Applicant
Reg. No. 34,159



GP 3731

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Date of Deposit: June 18, 2003
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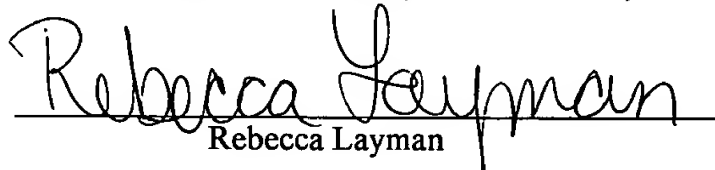
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Rebecca Layman

Mark Farber
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